



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON, D.C. 20370-5100

TJR

Docket No: 3642-00

17 November 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 25 February 1980 at the age of 22. Your record reflects that approximately a year later, on 11 February 1981, you were diagnosed as drug dependent as evidenced by your use of marijuana, cocaine, lysergic acid diethylamide (LSD), acid, crystal speed, and alcohol. On 20 February 1981, after undergoing a psychological examination, you were diagnosed with an anti-social personality disorder and recommended for an administrative separation. On 23 February 1981 you received nonjudicial punishment (NJP) for attempted assault and were awarded an oral admonition and reprimand, a \$200 forfeiture of pay, reduction to paygrade E-1, and restriction and extra duty for 20 days.

On 23 February 1981 you were notified of pending administrative separation action by reason of unsuitability due to the diagnosed personality disorder. At this time you waived your rights to consult with legal counsel and to submit a statement in rebuttal to the separation. You did, however, submit a written request for immediate separation from the Navy. Subsequently, the

discharge authority directed your commanding officer to issue you a general discharge under honorable conditions by reason of unsuitability, and on 25 February 1981 you were so discharged.

Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your only conduct mark was 1.0 and an average of 3.0 in conduct was required at the time of your separation for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you should not have received a stigmatizing discharge or reason for separation after serving a year in the Navy, and with nearly seven months of sea duty. However, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge or a change in your reason for separation given your drug abuse, misconduct, and the diagnosed personality disorder. The Board also noted that your sole conduct mark was insufficiently high to warrant a fully honorable characterization of service. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director